United States District Court

EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA	§	
	§	
V.	§	**CASE NO. 5:07CR1(1)**
	§	
NELSON ALEXANDER ANDRADE	§	

FINDINGS OF FACT AND RECOMMENDATION ON GUILTY PLEA BEFORE THE UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636(b) this matter has been referred by the District Court for administration of the guilty plea and allocution under Rule 11 of the Federal Rules of Criminal Procedure.

On this day, this cause came before the undersigned United States Magistrate Judge for guilty plea and allocution of the Defendant on an Indictment charging in Count 1 violation of Title 21, USC, Section 846, Conspiracy to Distribute and Possess with Intent to Distribute Marijuana. After conducting said proceeding in the form and manner prescribed by Fed. R. Crim. P. 11 the Court finds:

a. That the Defendant after consultation with counsel of record, has knowingly and voluntarily consented to the administration of the Guilty Plea and Allocution in this cause by a United States Magistrate Judge subject to a final approval and imposition of sentence by the District Court.

b. That the Defendant and the Government have entered into a plea agreement which has been filed and disclosed in open court pursuant to Fed. R. Crim. P. 11(e)(2).

c. That the Defendant is fully competent and capable of entering an informed plea, that the Defendant is aware of the nature of the charges and the consequences of the plea, and that the plea of guilty is a knowing and voluntary plea supported by an independent basis in

fact containing each of the essential elements of the offense.

d. The Defendant understands his constitutional and statutory rights and wishes to waive these rights; including the right to a trial by jury and the right to appear before a United States District Judge.

IT IS THEREFORE RECOMMENDED that the District Court accept the Plea Agreement and the Guilty Plea of the Defendant, and that NELSON ALEXANDER ANDRADE should be finally adjudged guilty of that offense.

SIGNED this 7th day of August, 2007.

CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE